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In the Supreme Court of the United States

OCTOBER TERM, 1957

E. EDELMANN & COMPANY, *Petitioner*

v.

FEDERAL TRADE COMMISSION

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

MEMORANDUM FOR THE FEDERAL TRADE COMMISSION

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MEMORANDUM FOR THE FEDERAL TRADE COMMISSION

The petition requests this Court to grant a writ of certiorari to review the following question:

> Whether the Court of Appeals unreasonably failed to stay forthwith execution of a cease and desist Order against petitioner until petitioner's various competitors, who are using similar forms of discount structures, can be subjected to similar judgments and orders; whether such failure by the Court of Appeals is inequitable, unjust and unfair when petitioner is subjected to the judgment and decree of the Court while its competi-

tors may still continue their existing discount structures, thereby inevitably causing petitioner to suffer loss of business and serious economic damage; and whether under such circumstances the Court should exercise its original equitable jurisdiction to protect the rights of petitioner.

The above question is substantially the same as Question 4 presented by the petition for a writ of certiorari in *Moog Industries, Inc.* v. *Federal Trade Commission,* No. 750, this Term, in which the Court has granted certiorari limited to Question 4. The above question also embraces the issue for which review is sought by the petition for a writ of certiorari filed in *Federal Trade Commission* v. *C. E. Niehoff & Co.,* No. 935, this Term. In these circumstances, the Government does not oppose grant of a writ of certiorari in this case.

Respectfully submitted.

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MAY 1957.